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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,186	03/02/2000	Hisao Takemura	04284.0830	4671

22852 7590 07/16/2003

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
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WASHINGTON, DC 20005

EXAMINER

LELE, TANMAY S

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 07/16/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

an

Advisory Action

Application No.

09/517,186

Applicant(s)

TAKEMURA, HISAO

Examiner

Tanmay S Lele

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: (see attached).

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 8,9 and 11.

Claim(s) withdrawn from consideration: 1-7,10,12.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Response to Arguments

1. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding claims 8, 9, and 11, Applicant attempts to overcome the rejection by stating, “[Rostoker et al.] ... does not disclose that antennas are located at a position in the IC chip relatively different from each other when a plurality of IC chips is stacked as claimed.” As stated in previous Office Actions (paper numbers 4 and 7), Rostoker was introduced to teach of antennas that be fabricated within a structure. As stated in the previous Office Actions (papers number 4 and 7) in the cited sections, Rostoker teaches the claimed, “each coil antenna is located at a position in the device relatively different from each other when a plurality of devices is stacked,” where, when combined for the motivation as cited in the previous Office Actions, with Kelley and Yap, teach the entire recited claim (note that as amended in the non-entered amendment, claim 8 would require the inclusion of Farmont et al for the cited motivation, as per the rejection for the cancelled claim 12). Note that Rostoker’s teaching, as cited in the previous Office Actions, is not of stacking IC’s, but of an each antenna being disposed in different portions and layers, as taught by Rostoker. Note that Rostoker’s cited passages from the previous Office Actions details this concept and further clarification of portions and layers is noted in the summary of invention (column 3, lines 65 and 66). Applicant further states no motivation has been stated. Note that a motivation for all such combinations has been made (as seen in previous Office Actions, papers number 4 and 7; paper number 7, page 3 – 5 as an example). Hence, for

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all the above reasons, the Examiner is not persuaded by the Applicant's argument that the references do not teach, recite, or suggest, the features disclosed when viewed as whole.


Applicant further states, "Yap, either alone or in combination with Kelly, do not disclose, teach, or suggest, at least a molded case having a two-dimensional center including the coil antenna, wherein each coil antenna is located at a position in the device relatively different from each other when a plurality of devices is stacked." As no argument has been cited for the, the Examiner is not persuaded by the Applicant's assertion that the references do not teach, recite, or suggest, the features disclosed when viewed as whole.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


Tanmay S Lele
Examiner
Art Unit 2684

tsl
July 11, 2003


NAY MAUNG
PRIMARY EXAMINER